

CHAPTER 11 FEE APPLICATION SUMMARY (FEE APPLICATION NO.

IN RE:

ADVANTAGE ENERGY JOINT VENTURE,

DEBTOR

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§
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CASE NO. 17-34469

Name of Applicant:	Briggs & Veselka Co.
Applicant's role in case:	Tax Preparer for Ch. 11 Trustee
Date Order of Appointment signed:	11/23/2018
Amount of retainer received prior to filing of petition:	\$0.00
Any amount received after filing of petition:	\$ 0.00

	Beginning of Period	End of Period
Time period covered by this Application:	09/13/2018	11/15/2018
Time period(s) covered by prior Applications:	N/A	N/A
Total amounts awarded in all prior Applications:	\$ 0.00	
Total fees requested in this Application and in all prior Applications:	\$ 6,000.00	
Total fees requested in this Application:	\$ 6,000.00	
Total professional fees requested in this Application:	\$ 6,000.00	
Total actual professional hours covered by this Application:	37.75 hours	
Average hourly rate for professionals:	\$ 158.94	
Total paraprofessional fees requested in this Application:	\$ 0.00	
Total actual paraprofessional hours covered by this Application:	0.00 hours	
Average hourly rate for paraprofessionals:	\$ 0.00	
Reimbursable expenses sought in this Application:	\$ 0.00	

Total of payments paid to administrative claimants (other than applicant):	\$ 67,627.13
Estimated total to be paid to unsecured creditors:	Undetermined
Estimated percentage dividend to unsecured creditors:	Undetermined
Date that plan was confirmed:	

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

**ADVANTAGE ENERGY JOINT
VENTURE,**

Debtor.

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§
§

Case No. 17 34469

CHAPTER 11

**FIRST APPLICATION OF BRIGGS & VESELKA CO., AS TAX PROVIDER, FOR
ALLOWANCE OF INTERIM COMPENSATION FOR COMPLETION OF
2016 AND 2017 INCOME TAX RETURNS**

NOTICE UNDER LOCAL BANKRUPTCY RULE 9013

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN TWENTY ONE (21) DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THIS MOTION MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE JEFF BOHM, U.S. BANKRUPTCY JUDGE:

BRIGGS & VESELKA CO. ("Applicant" or "Briggs"), tax provider to Loretta Cross, Chapter 11 Trustee of Advantage Energy Joint Venture, debtor in the captioned Chapter 11 case (the "Debtor") hereby files its First Application for Allowance of Interim Compensation for completion of Debtor's 2016 and 2017 federal income tax returns (the "First Application"), and, in support thereof, would respectfully show the Court as follows:

A. BACKGROUND

1. On July 26, 2017 (the "Filing Date"), an involuntary petition under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code") was filed against the Debtor. The Debtor's case is pending before the United States Bankruptcy Court for the Southern District of Texas, Houston Division.

2. On September 21, 2017, the Court denied the Application to dismiss the involuntary petition and thereafter entered an order for relief. On September 26, 2017, Loretta R. Cross was appointed as Chapter 11 Trustee of the Debtor's estate (the "Trustee").

3. On October 17, 2018, the Trustee filed her Application to Employ Briggs & Veselka, as Tax Provider, dkt 192, (the "Application to Employ Briggs") requesting the Court's authority to employ Briggs as her accountant to prepare the 2016 and 2017 returns for a fee not to exceed \$3,000 per return for a total of \$6,000. On November 23, 2018, the Court signed the Order Approving the Chapter 11 Trustee's Application to Employ Briggs & Veselka Co. as Tax Provider to the Trustee, dkt 214, ("Employment Order"), a true and correct copy of which is attached hereto as **Exhibit "A"** and made a part hereof for all purposes. A flat fee not to exceed \$3,000 per return, for a total of \$6,000, was set forth in the Employment Order.

**APPLICATION FOR INTERIM ALLOWANCE OF COMPENSATION
AND REIMBURSEMENT OF EXPENSES**

5. This is Applicant's first request for interim allowance of compensation and reimbursement of expenses and covers the period ending December 31, 2018. Applicant is the CPA firm for the Trustee and makes this Application pursuant to §331 of the Bankruptcy Code for professional services rendered and for reimbursement of out-of-pocket expenses incurred by Applicant in connection with the preparation of the 2016 and 2017 tax returns. By this Application and in compliance with §328(b) of the Bankruptcy Code, Applicant seeks an allowance of

compensation.

6. Applicant has not sought or received an allowance of interim compensation in this case.

7. All professional services for which allowance of compensation is requested were performed by Applicant for and on behalf of the Trustee and not on behalf of any committee, creditor, equity security holder or any other person. Applicant is not seeking any compensation for work that was, or should have been, performed by the Trustee. Applicant is seeking compensation for accounting services rendered to the Trustee. This Application covers the allowance of compensation for professional services performed from September 17, 2018 through December 31, 2018, and expenses incurred or reaching Applicant's records during that period. This Application is Applicant's first request for an allowance of compensation and reimbursement of expenses.

8. During the period covered by this Application, Applicant expended a total of 37.75 hours for professional services rendered on behalf of the Trustee. The time was spent by the principals, associates and paralegals of Applicant as follows:

<u>Principal/Associated</u>	<u>Hours</u>	<u>Hourly Rate</u>	<u>Total</u>
<u>See Detail</u>	37.75	Average \$158.94 ¹	\$7,566.50
			LESS DISCOUNT OF \$1,556.50
TOTAL			\$6,000.00

A complete accounting of the foregoing time is provided in the Invoices from Briggs (the "Invoices"), attached hereto as Exhibit "B" and incorporated herein by reference for all purposes.

¹ Hourly calculation based on discounted amount billed.

9. The rates charged by Applicant at the commencement of this proceeding was the same as the rates charged on chapter 11 matters, without considering the size and degree of responsibility, difficulty, complexity and results achieved. Accordingly, and based on such rates, the value of the professional services rendered during this period is \$6,000, which is the flat fee that Applicant agreed to accept for this work.

10. Applicant is not seeking recovery of any expenses.

11. Work performed by Applicant for the period covered by this Application which has benefited the Trustee and Debtor's estate includes, but is not limited to, the following:

a. General/Case Administration. This matter consists of any time expended involving coordination and compliance matters, including, but not limited to, preparation of Debtor's statement of financial affairs, schedules, and U.S. Trustee interim statements and operating reports.

Applicant prepared the Debtor's 2016 and 2017 Form 1065 Tax Returns, and met the reporting requirements under the Internal Revenue Code. Applicant reviewed and compiled financial data required to prepare such return.

TOTAL: \$6,000.00

REQUEST FOR ADVANCED APPROVAL OF COMPENSATION

12. Pursuant to Trustee's agreement, Briggs requests approval of compensation for completion of 2018 return for a fee not to exceed \$3,000.

CONCLUSION

Various factors have been suggested by the Courts for consideration in awarding compensation in a bankruptcy case. See, for instance, *Matter of First Colonial Corp. of America*, 544 F.2d 1291 (5th Cir. 1977) and *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714 (5th Cir. 1974). These factors are codified in Section 330 of the Bankruptcy Code. Consideration of these factors is as follows:

(a) Time and Labor Required: The time required for the services performed by

Applicant and a detailed description of such services are set forth in the Invoices, **Exhibit "C"**. Applicant was required to devote this time to prepare the tax returns. The rates charged for this service are commensurate with the complexity of this case, experience and qualifications of Briggs's professionals. Applicant avoided duplication of efforts and did not engage in any interoffice communications. Applicant handled this matter in a cost effective and efficient manner.

- (b) Novelty and Difficulty of the Questions: This case involves the preparation of tax returns. Which involve some complexity and skill.
- (c) Skill Required to Perform the Services Properly: The principals and associates of Applicant have the skills required to properly perform the appropriate services for the Trustee. The fees requested herein are justified.
- (d) The Preclusion of other employment by the Applicant due to the acceptance of the case: N/A
- (e) Customary Fees: The rates charged by Applicant are customary fees for similar work done in the community. No premium, lodestar or contingency has been included in this Application. Applicant has not billed for any services that should have been performed by the chapter 11 trustee, as the trustee of Debtor's estate.
- (f) Whether the Fee is Fixed or Contingent: Applicant's fee expectations, when the case was accepted, were that the Applicant would receive a flat fee. There is no contingency fee arrangement. Applicant was exposed to a possible risk in the collection of its fees if funds were not available.
- (g) Time Limitations: N/A.
- (h) Amount Involved and Results Obtained: Applicant successfully prepared the 2016 and 2017 returns, which the Trustee filed.
- (i) Experience, Reputation and Ability of Briggs: Briggs has an excellent reputation in the area of tax preparation and accounting.
- (j) The "undesirability" of the case: This case is undesirable because of the delays and risks inherent in the bankruptcy fee application procedure.
- (k) Nature and Length of Professional Relationship with the Client: The Trustee has known Applicant for many years, and Applicant works with the Trustee in other matters.
- (l) Awards in Similar Cases: Applicant believes that the compensation sought is consistent with that awarded in other cases of similar size and complexity, and is authorized by §330 of the Bankruptcy Code. This Court reviews applications for compensation in many cases and is aware of the allowances usually made and the factors that enter into such a decision. Applicant believes that the fees and expenses requested are similar or less than fee awards made in similar cases.

WHEREFORE, RLF respectfully requests that this Court enter an order that:

1. Allows interim compensation to Briggs in the sum of **\$6,000** consisting of a flat fee, as reasonable compensation for services rendered;
2. Authorizes and directs the Trustee to pay Applicant in the amount of **\$6,000**, which amount reflects the fees and expenses awarded herein
3. Authorizes in advance, approval of compensation for completion of 2018 return for a fee not to exceed \$3,000.
4. Approves the foregoing as an interim allowance of compensation; and
5. Grants Briggs such other and further relief as is just and equitable.

Respectfully submitted this 17th day of January, 2019.

BRIGGS & VESELKA CO., P.C.



Sheila Enriquez
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Houston, Texas 77046
Telephone: (713) 667- 9147
Email: senriquez@bvccpa.com

OF COUNSEL:

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Telecopy No. (713) 647-8127
Email: trosenthal@rosenthallaw.com

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Application and attachments has been electronically served on this 17th day of January, 2019, through the Court's ECF Filing System on all counsel of record who are registered to receive ECF notices in this case and the U.S. Trustee. I further certify that on the 17th day of January, 2019, I have served a copy of this Application, attachments and proposed order on all creditors and other parties in interest by US Regular Mail, First Class, Postage Prepaid in accordance with the Creditors' Mailing Matrix obtained from the ECF system.

/s/ Trent L. Rosenthal

Trent L. Rosenthal

VERIFICATION OF TRANSMITTAL TO CHAPTER 11 TRUSTEE

The undersigned, an attorney, under penalties of perjury, hereby certifies that a true and correct copy of the above and foregoing has been transmitted by U.S. First Class Mail, postage prepaid, to the U.S. Trustee, Office of the U.S. Trustee for the Southern of Texas, Houston Division, 515 Rusk Avenue, Suite 3516, Houston, Texas, 77002, on January 17, 2019.

/s/ Trent L. Rosenthal

Trent L. Rosenthal

Label Matrix for local noticing
0541-4
Case 17-34469
Southern District of Texas
Houston
Wed Jan 16 13:10:18 CST 2019

Advantage Energy Capital, LLC
c/o James E. Gayle
PO Box 690365
Houston, TX 77269-0365

Advantage Energy Joint Venture
6699 Port West Dr., Suite 160
Houston, TX 77024-8078

Atascosa County
711 Navarro Street Ste 300
San Antonio, TX 78205-1749

Consultants International Services LP
Three Riverway, Suite 1025
Houston, TX 77056-1956

First Financial Bank, N.A.
c/o Jim Hamilton
7700 San Felipe
Suite 550
Houston, TX 77063-1618

Green Bank, N.A.
c/o Streusand Landon Ozburn & Lemmon LLP
811 Barton Springs Road
Suite 811
Austin, TX 78704-1166

KoKo Palm Partners LP
c/o James E. Gayle
PO Box 690365
Houston, TX 77269-0365

MJMC Enterprises LLC
c/o Michael J. McGhan
3465 Overbrook Lane
Houston, TX 77027-4124

Meredith Interests Consulting LP
Three Riverway, Suite 1025
Houston, TX 77056-1956

Red River Compression Services LLC
6699 Port West
Suite 160
Houston, TX 77024-8078

The Bank of River Oaks
c/o Bruce K. Watkins
24 Greenway Plaza, Suite 1710
Houston, TX 77046-2423

Verde Springs II, LLC
c/o Jean Frizzell
1100 Louisiana St., Ste. 3500
Houston, TX 77002-5212

Westwind Ranch L.P.
c/o Larry J. Martin
15 E. Rivercrest
Houston, TX 77042-2513

4
United States Bankruptcy Court
PO Box 61010
Houston, TX 77208-1010

Atascosa County
c/o Don Stecker
711 Navarro, Suite 300
San Antonio, TX 78205-1749

Atascosa County Tax Office
1001 Oak Street
Jourdanton TX 78026-2849

Bank of River Oaks
2929 Kirby Drive
PO Box 131002
Houston, TX 77219-1002

Beckville ISD Tax Office
P O Box 37
Beckville TX 75631-0037

Bossier Parish Tax Office
P O Box 850
Benton LA 71006-0850

Briggs & Veselka Co.
9 Greenway Plaza
Suite 1700
Houston, TX 77046-0946

Buffalo ISD Tax Office
P O Box 157
Buffalo TX 75831-0157

Caddo-Shreveport Sales & Use Tax Commission
P.O. Box 104
Shreveport LA 71161-0104

Cleburne County
320 West Main Street
Heber Springs AR 72543-3052

Colorado Department of Revenue
Denver CO 80261-0004

Commercial State Bank
Houston Branch
23838 Highway 59 North
Kingwood, TX 77339-1531

Consultants International Services, LP
c/o Steelhammer & Miller
Three Riverway, Suite 1025
Houston, TX 77056-1956

Crawford County Tax Collector
300 Main St, Room 2
Van Buren AR 72956-5765

DeSoto Parish Sales & Use Tax Commission
P.O. Box 927
Mansfield LA 71052-0927

Denton County Tax Office
PO Box 1277
Denton TX 76202-1277

Dimmit County Tax Office
PO Box 425
Carrizson Spring, TX 78834-6425

East Feliciana Parish School Board
ATTN: Sales Tax Department
P.O. Box 397
Clinton LA 70722-0397

Eunice Blake Assessor/Collector
PO Box 356
Liberty MS 39645-0356

First Financial Bank, N.A.
23838 Highway 59 North
Kingwood, Texas 77339-1531

Fisher CAD
PO Box 516
Roby Texas 79543-0516

Franklin County Tax Collector
P O Box 1267
Ozark AR 72949-1267

Frio County Appr District
PO Box 1129
Pearsall TX 78061-1129

Frio County Tax Office
500 E San Antonio St
Box 20
Pearsall TX 78061-3145

Green Bank NA
4000 Greenbriar St.
Houston, TX 77098-5204

Green Bank, N.A.
c/o Streusand, Landon, Ozburn & Lemmon,
811 Barton Springs Road, Suite 811
Austin, Texas 78704-1166

Gregg County Tax Office
PO Box 1431
Longview TX 75606-1431

Harris County Tax Assessor-Collector
1001 Preston
PO Box 4089
Houston TX 77210-4089

Hienton & Curry, PLLC
5045 North 12th Street
Suite 110
Phoenix, AZ 85014-3302

Hood County Appraisal District
PO Box 819
Granbury TX 76048-0819

Howard County Tax Office
PO Box 1111
Big Spring TX 79721-1111

Internal Revenue Service
Department of the Treasury
Internal Revenue Service Center
Ogden, UT 84201-0011

Internal Revenue Service
P O Box 7346
Philadelphia, PA 19101-7346

James E. Gayle
c/o Advantage Energy Capital, LLC
6699 Portwest, Suite 160
Houston, TX 77024-8078

Johnson County Treasurer
PO Box 794
Clarkville AR 72830-0794

Karnes City ISD Tax Office
PO Box 38
Karnes City TX 78118-0038

Karnes County Tax Office
200 E Calvert Avenue
Suite #3
Karnes City Texas 78118-3210

Larry J. Martin
15 E Rivercrest
Houston, TX 77042-2513

LeFlore County Treasurer
P O Box 129
Poteau OK 74953-0129

Leon County Tax Office
P O Box 37
Centerville TX 75833-0037

Lincoln Parish Tax Office
P O Box 2070
Ruston LA 71273-2070

Logan County Tax Collector
25 West Walnut
Paris AR 72855-3239

Louisiana Department of Revenue
PO Box 4936
Baton Rouge LA 70821-4936

MJMC Enterprises, LLC
3465 Overbrook
Houston, TX 77027-4124

Marion County
PO Box 907
Jefferson TX 75657-0907

Meredith Interests Consulting, LP
c/o Steelhammer & Miller
Three Riverway, Suite 1025
Houston, TX 77056-1956

Michael J. McGhan
3465 Overbrook
Houston, TX 77027-4124

Michele O. Miller
c/o Steelhammer & Miller
Three Riverway, Suite 1025
Houston, TX 77056-1956

Mississippi Department of Revenue
ATTN: SALES TAX DEPT.
1385 Johnny Johnson Dr
Brookhaven MS 39601-9641

Mitchell County Tax Office
428 E 2nd Street
Colorado City Texas 79512

New Mexico Taxation and Revenue Dept
PO Box 25128
Sante Fe NM 87504-5128

Nolan CAD
208 South Elm Street
Sweetwater Texas 79556-4524

Panola County Tax Assessor-Collector
110 S Sycamore, Room 211
Carthage TX 75633-2543

Parish of St. Helena
PO Box 1205
Greensburg LA 70441-1205

Pine Tree I.S.D. Tax Office
PO Box 5878
Longview Texas 75608-5878

Pope County
100 West Main Street
Russellville AR 72801-3723

Rapides Parish Sheriff's Office
PO Box 1590
Alexandria LA 71309-1590

Reagan County Tax Office
300 Plaza Street
Big Lake Texas 76932-4512

Red River Compression Services, LLC
c/o Advantage Energy Capital, LLC
6699 Portwest, Suite 160
Houston, TX 77024-8078

Rio Arriba County Treasurer
PO Box 548
Tierra Amarilla NM 87575-0548

Robert H. Steelhammer
c/o Steelhammer & Miller
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Houston, TX 77056-1956

Robert H. Steelhammer
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Hawash Cicack & Gaston LLP
3401 Allen Parkway, Suite 200
Houston, TX 77019-1857

Rusk County Tax Office
PO Box 988
Henderson TX 75653-0988

San Juan County Treasurer
100 S Oliver, Suite 300
Aztec NM 87410-2417

Sebastian County Tax Office
PO Box 1358
Fort Smith AR 72902-1358

Tangipahoa Parish Sales Tax Department
PO Box 159
Amite LA 70422-0159

Tangipahoa Parish Sheriff
PO Box 942
Amite LA 70422-0942

(p) TEXAS COMPTROLLER OF PUBLIC ACCOUNTS
REVENUE ACCOUNTING DIV - BANKRUPTCY SECTION
PO BOX 13528
AUSTIN TX 78711-3528

The Bank of River Oaks
c/o Bruce K. Watkins
Watkins & Watkins
24 Greenway Plaza, Suite 1710
Houston, Texas 77046-2423

Throckmorton CAD
PO Box 788
Throckmorton TX 76483-0788

US Trustee
Office of the US Trustee
515 Rusk Ave
Ste 3516
Houston, TX 77002-2604

Van Buren County Tax
PO Box 359
Clinton AR 72031-0359

Webster Parish Tax Office
P.O. Box 877
Minden LA 71058-0877

Weld County Treasurer
PO Box 458
Greeley CO 80632-0458

White County
115 W. Arch Ave.
Searcy AR 72143-7701

William W. Bandy, CPA
7726 Woodway Drive
Houston, TX 77063-1812

Wilson County Appraisal District
1611 Railroad St
Floresville TX 78114-1825

Wise Appraisal District
400 E. Business 380
Decatur TX 76234-3165

Wise County Tax Assessor/Collector
404 W Walnut
Decatur TX 76234-1372

Wood County Tax Office
P O Box 1919
Quitman TX 75783-2919

Woodforest National Bank
ATTN: Loan Operations
PO Box 7889
Spring, TX 77387-7889

Woodforest National Bank
c/o Winstead PC, Attn: Sean B. Davis
600 Travis Street, Suite 5200
Houston, Texas 77002-3017

Yell County Tax
PO Box 99
Danville AR 72833-0099

ZB, N.A dba Amegy Bank
ATTN:William Ray
Five Post Oak Park
4400 Post Oak Parkway
Houston, TX 77027-3421

Loretta R Cross
Stout Risus Ross LLC
1000 Main Street
Suite 3200
Houston, TX 77002-6337

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2118 Smith Street
Houston, TX 77002-8628

Robert H. Steelhammer
14 Pinewold Circle
Houston, TX 77056-1400

Trent L Rosenthal
Trent L Rosenthal, P.L.L.C.
675 Bering
Suite 150
Houston, TX 77057-2188

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Texas Comptroller of Public Accounts
PO Box 13528
Capital Station
Austin, TX 78711-3528

(d)Texas State Comptroller
P.O. Box 13528, Capitol Station
Austin TX 78711-3528

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u)Verde Springs, LLC
c/o Jean Frizzell
1100 Louisiana, Ste. 3500
Houston

(u)Woodforest National Bank

(d)Advantage Energy Capital, LLC
c/o James E. Gayle
P O Box 690365
Houston, TX 77269-0365

(d)KoKo Palm Partners, LP
c/o James E. Gayle
P O Box 690365
Houston, TX 77269-0365

(d)Verde Springs II, LLC
c/o Jean Frizzell
1100 Louisiana St., Ste. 3500
Houston, TX 77002-5212

(u)Verde Springs, LLC
c/o Jean Frizzell, 1100 Louisiana, Ste.

End of Label Matrix
Mailable recipients 101
Bypassed recipients 6
Total 107